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Attorneys for Plaintiff Byrna Technologies, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BYRNA TECHNOLOGIES, INC., a Delaware corporation,

Plaintiff,

vs.

DUKE DEFENSE USA, INC., a Delaware corporation; BOUGIEFIT, LLC, a Nevada limited liability company; ZYN APPAREL, a Delaware limited liability company; REILLY SCHUELER, an individual; BENJAMIN M. FLAM; an individual; JONATHAN COBB SANDERS, an individual; RANDALL CLIFTON, an individual; DENI STRAHL, an individual; BRAD THOMAS, an individual; APRIL WOODWARD, an individual; and TYLER AKIN, an individual,

Defendants.

Case No.: 2:21-cv-01559-APG-NJK

STIPULATION AND ORDER EXTENDING THE:

- (1) TEMPORARY RESTRAINING ORDER AS TO DEFENDANT FLAM; AND**
- (2) TIME FOR DEFENDANT FLAM TO RESPOND TO ECF NO. 14**

(THIRD REQUEST)

1 Plaintiff Byrna Technologies, Inc. (“Byrna” or “Plaintiff”), by and through its undersigned
2 counsel, and Defendant Benjamin M. Flam, *pro se*, hereby stipulate and agree as follows:

3 1. Plaintiff filed a Complaint and Request for Injunctive Relief (ECF No. 1) and a Motion
4 for Temporary Restraining Order (ECF No. 6) on August 23, 2021.

5 2. Defendant Flam was personally served with the Summons, Complaint, Motion for
6 Temporary Restraining Order, and Temporary Restraining Order on August 24, 2021. Plaintiff filed its
7 Motion for Preliminary Injunction on August 24, 2021. ECF No. 14.

8 3. On August 30, 2021, Plaintiff and Defendant Flam stipulated to extend the time for
9 Defendant Flam to file his responses to Plaintiff’s Complaint, and Plaintiff’s Motion for Preliminary
10 Injunction to October 13, 2021. ECF No. 21.

11 4. Defendant Flam filed a Motion to Dismiss in response to Plaintiff’s Complaint on
12 September 28, 2021. ECF No. 29.

13 5. On October 12, 2021, Plaintiff and Defendant Flam notified the Court that they are
14 currently engaged in discussions which may resolve Plaintiff’s claims against Defendant Flam, and
15 required additional time to determine whether they will be able to reach agreement. Plaintiff and
16 Defendant Flam stipulated to extend the time for Defendant Flam to file his response to Plaintiff’s
17 Motion for Preliminary Injunction to October 20, 2021 and that Plaintiff would have until October 27,
18 2021 to file its Reply in support of its Motion for Preliminary Injunction. ECF No. 41 (“Second
19 Stipulation”).

20 6. On October 14, the Court issued an order granting Plaintiff and Defendant Flam’s
21 Second Stipulation.

22 7. Plaintiff’s and Defendant Flam’s discussions regarding a potential resolution that may
23 resolve Plaintiff’s claims against Defendant Flam have been productive, but require additional time to
24 determine whether they will be able to reach a final agreement.

25 8. Therefore, to conserve the parties’ respective resources, Plaintiff and Defendant Flam
26 agree that Defendant Flam shall have an extension of time until October 29, 2021 to respond to
27 Plaintiff’s Motion for Preliminary Injunction. Plaintiff and Defendant Flam further agree that Plaintiff
28 shall have until November 5, 2021 to file its Reply in support of its Motion for Preliminary Injunction.

1 9. Plaintiff and Defendant Flam further agree that the Temporary Restraining Order,
2 including any amendment or supplement thereof by the Court, shall be binding upon and remain in full
3 force and effect as to Defendant Flam, pursuant to Fed. R. Civ. P. 65(b)(2), until such time as the Court
4 rules on Plaintiff's Motion for Preliminary Injunction as it pertains to Defendant Flam.

5 10. Neither this Stipulation nor the extensions provided herein shall effect the Court's ability
6 to rule upon or grant the relief requested in Plaintiff's Motion for Preliminary Injunction as it pertains
7 to other parties. Further, nothing in this Stipulation shall be construed as effecting the validity or
8 effectiveness of the Preliminary Injunction as to other parties.

9 DATED this 18th day of October, 2021.

10
11 JACKSON LEWIS, P.C.

BENJAMIN M. FLAM

12 /s/ Joshua A. Sliker

/s/ Benjamin M. Flam

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Defendant Pro Se

15 *Attorneys for Plaintiff*

16 *Byrna Technologies, Inc.*

17 IT IS SO ORDERED.

18
19 
United States District Court Judge

JAD for APG

20
21
22 Dated: October 19, 2021